

Memorandum



Date: September 13, 2005

INLUC

Agenda Item No. 2(I)

To: Honorable Chairman Joe A. Martinez and Members,
Board of County Commissioners

From: George M. Burdick
County Manager

Subject: Resolution Authorizing the Release of an Unneeded Portion of a Canal Reservation by
Miami-Dade County in Section 17, Township 53 South, Range 40 East (WC-829)

Loc: South of N.W. 74th Street & East of N.W. 107th Avenue
(Commission District No. 12)

RECOMMENDATION

It is recommended that the Board approve the attached Resolution authorizing the release of an unneeded portion of a canal reservation by Miami-Dade County.

BACKGROUND

On September 8, 1961, Miami-Dade County acquired at no cost by virtue of Deed No. 64 recorded in Official Records Book 2868 at Page 441, of the Public Records of Miami-Dade County, Florida, rights in reservation over the North 130 feet of Section 17, Township 53 South, Range 40 East, contiguous to theoretical N.W. 74th Street, between N.W. 97th Avenue and N.W. 107th Avenue. Said rights in reservation were given to the County by the South Florida Water Management District, formerly the Central and Southern Florida Flood Control District, to be used in connection with the Miami-Dade County Water Control Master Plan for water management and flood protection. The Water Control Master Plan shows a proposed canal at this location. However, Miami-Dade County has abandoned plans for the construction of that canal due to concerns that a hydrologic connection with industrial areas of the Town of Medley may increase the likelihood of transmission of pollutants to the nearby Northwest Wellfield. Group 3, LLC, the owner of Tract 32, and also encumbered by said canal reservation, has requested its release. The Department of Environmental Resources Management has determined that these rights in reservation are no longer needed by Miami-Dade County for canal purposes and therefore recommend approval of this application by the Board.


Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 18, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE RELEASE OF AN
UNNEEDED PORTION OF A CANAL RESERVATION IN
SECTION 17, TOWNSHIP 53 SOUTH, RANGE 40 EAST,
MIAMI-DADE COUNTY, FLORIDA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the release of a canal reservation which lies in Tract 32, FLORIDA FRUIT LANDS COMPANY's SUBDIVISION, a subdivision in Section 17, Township 53 South, Range 40 East, according to the Plat thereof, recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida; and authorizes execution and recording of a Disclaimer by the Mayor in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Dr. Barbara Carey-Shuler
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

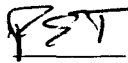
The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of October, 2005. This Resolution, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Peter S. Tell

MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER

KNOW ALL MEN BY THESE PRESENTS that MIAMI-DADE COUNTY, a political subdivision of the State of Florida, does hereby give notice that it disclaims certain rights, title and interests which said MIAMI-DADE COUNTY has in the following described lands lying and being in Miami-Dade County, Florida, to wit:

That portion of the North 130 feet of Section 17, Township 53 South, Range 40 East, which lies in Tract 32, Florida Fruit Lands Company Subdivision, a subdivision according to the Plat thereof as recorded in Plat Book 2, Page 17 of Public Records of Miami-Dade County, Florida

WHEREAS, the Central and Southern Florida Flood Control Districts by Rights in Reservations Deed No. 64 dated September 8, 1961, recorded in Official Records Book 2868 at Page 441 of the Public Records of MIAMI-DADE COUNTY, FLORIDA, conveyed, assigned, set over and granted to Miami-Dade County for canal and levee purposes only, the above described lands (with other lands); and

WHEREAS, the aforesaid rights in reservations upon the said above described lands are not now needed by MIAMI-DADE COUNTY for canal purposes:

NOW, THEREFORE, MIAMI-DADE COUNTY DOES disclaim any interest it has in the aforementioned lands by virtue of the said Rights in Reservations Deed No. 64 dated September 8, 1961, recorded in Official Records Book 2868 at Page 441 of the Public Records of Miami-Dade County, Florida.

BY THE ISSUANCE of this instrument MIAMI-DADE COUNTY does not purport to lessen or diminish any existing canal right of way or canal maintenance easement, nor the rights of any other agency or governmental body in and to the aforementioned lands.

This instrument was prepared by:
Walid Abusad, of
Miami-Dade County Environmental
Resources Management
33 S.W. 2nd Avenue, 2nd Floor
Miami, Florida 33130-1540

IN WITNESS WHEREOF MIAMI-DADE COUNTY FLORIDA, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this the _____ day of 20 ____.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
BY ITS MAYOR

HARVEY RUVIN
CLERK OF SAID BOARD

By: _____
Deputy Clerk

By: _____
Carlos Alvarez, Mayor

Print: _____

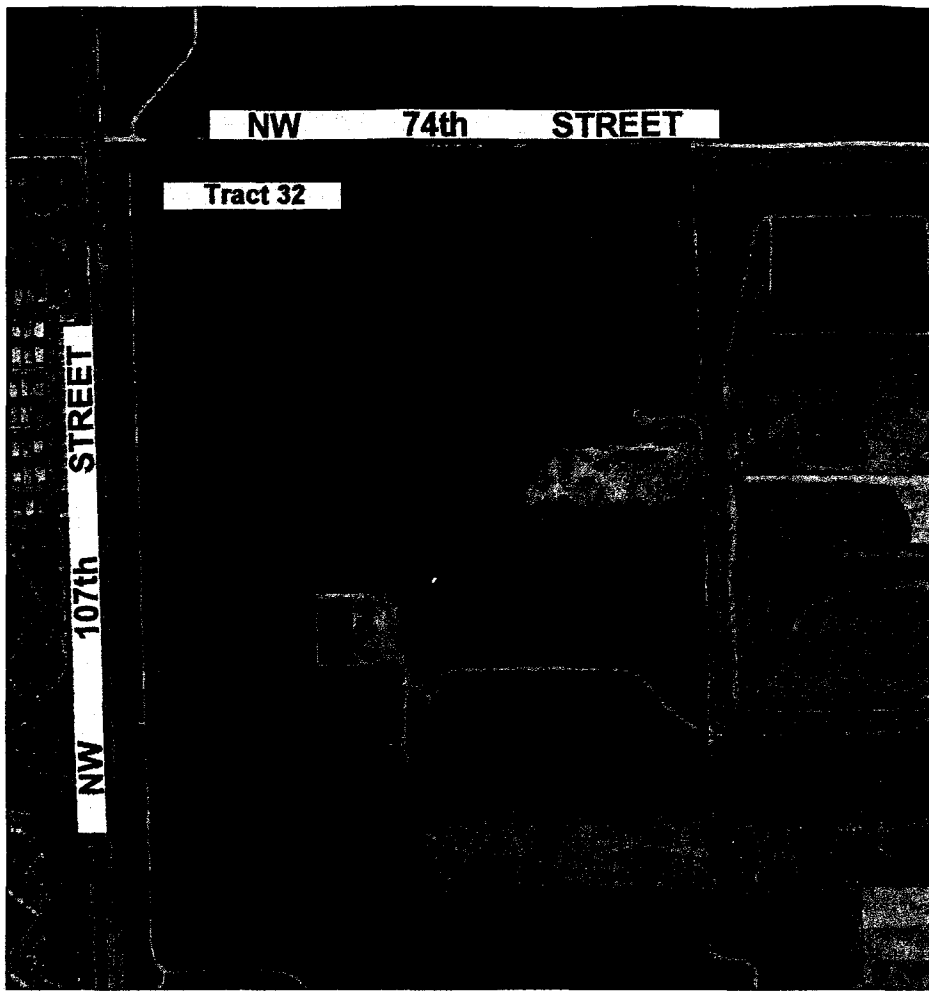
The foregoing instrument was acknowledged before me this ____ day of _____, 20____,
by _____, who is personally known to me or who has produced
_____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign _____

Print _____
STATE OF FLORIDA at large
(Seal)

My commission expires: _____



WC. 829

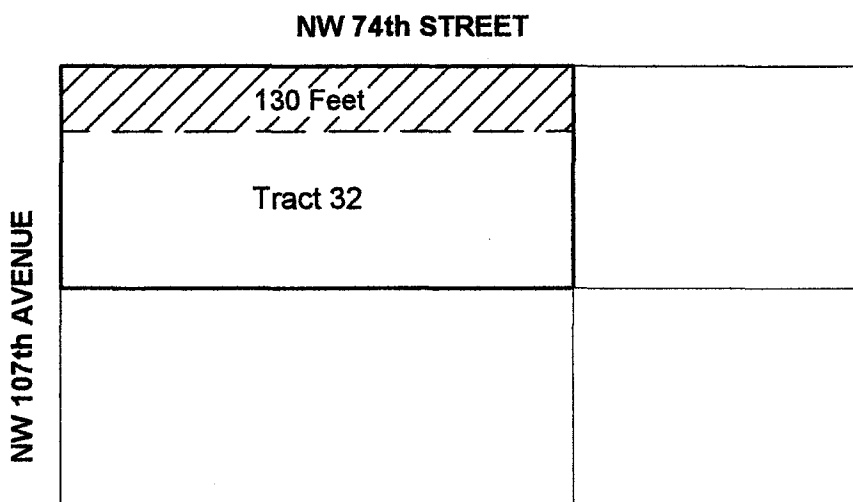
SEC. 17

TWP. 53

RGE. 40



Location Map



 130 Feet Canal Reservation to be Disclaimed